IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.:	10/750,695	:	Confirmation No.: 4104
Applicant:	Samuel N. Zellner et al.	:	Group Art Unit: 3692
Filed:	January 2, 2004	:	Examiner: Nga B. Nguyen
Docket No.:	030391 (BLL-0125)	:	

For: A METHOD, SYSTEM, AND STORAGE MEDIUM FOR MANAGING
ELECTRONIC TRANSACTIONS

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Pre-Appeal Brief Request for Review

In response to the Final Office Action dated November 24, 2009, and in conjunction with
the concurrently filed Notice of Appeal, the Applicant submits the following for entry in the
above-identified application.

Claims 1-12 and 15-25 are pending in the instant application. Claims 1-12 and 15-25 have been rejected under 35 USC 103(a) as being allegedly unpatentable over Tannenbaum U.S. 7,254,548 (hereinafter "Tannenbaum") in view of Ginter, et al. US 2002/0112171 (hereinafter "Ginter"). The Applicant submits that the rejections of claims 1-12 and 15-25 are in error because the Examiner has not met the burden of establishing a *prima facie* case of obviousness in contravention of 35 USC §103.

Claim 1 recites, *inter alia*, "prompting a primary user, via a transaction control system implemented on a computer, to input financial notification data, the financial notification data operable for defining transaction controls associated with financial transactions initiated by a secondary user, the financial notification data including a spending type comprising a time limit imposed on usage of an item that is subject to the transaction controls;

receiving and storing, via the transaction control system, the financial notification data;

receiving, via the transaction control system, data relating to a financial transaction from a point of sale, the data associated with the secondary user;

retrieving, via the transaction control system, financial notification data related to the financial transaction;

sending a notification to the point of sale, via the transaction control system, based upon the data relating to the financial transaction; and

upon determining, via the transaction control system, that a transaction is <u>not acceptable</u>:

approving a request to execute the financial transaction, via the transaction control system, without interaction from the primary user and issuing a notification to the primary user when the request to execute the financial transaction is approved; *and*

returning to the secondary user a notice of *suspension of the account privileges*."

With respect to claim 1, the Examiner states that Tannenbaum teaches "*approving a request to execute the financial transaction*, via the transaction control system, without interaction from the primary user and issuing a notification to the primary user when the request to execute the financial transaction is approved," citing column 3, lines 60-65 in support. This portion of Tannenbaum discloses a conditional transaction that is based upon either pre-approved purchases (e.g., via profiles 17, Figure 1; column 3, lines 39-53) or a point-of-sale notification and approval by an authorized person (column 3, line 50-column 4, line 24 "[T]he purchase can only be completed, if the third person responds in a positive manner (perhaps by pushing a button or speaking an acceptance word as set out in the user's profile))."

Thus, Tannenbaum discloses a notification and authorization request is generated and implemented as a pre-condition of authorizing a purchase. By contrast, claim 1 recites *approving* a request to execute a financial transaction *after* determining that the transaction is *not* acceptable, as the system then provides for suspending the user's privileges subsequent to the approval ("returning to the secondary user a notice of *suspension of the account privileges*"). This feature is clearly not found anywhere in Tannenbaum.

Additionally, Tannenbaum fails to teach or suggest "suspension of the account privileges." The Examiner states that Tannenbaum teaches this feature, citing Figure 4, elements 412, 416 and 417, and column 8, lines 40-45. In fact, this portion of Tannenbaum simply discloses conditions under which a particular transaction may be inhibited. Inhibiting a transaction (which implies other transactions may still be pursued) is clearly not the same as suspending account privileges (where "suspension" implies at least a semi-permanent condition). For example, Ginter discloses "[T]he boat account is $1,000.00. It is a semi-annual amount and has a priority 3, which if desired, means that if other categories are over at a particular time when the boat account is to be used this account will be inhibited (subject to being overridden by the user) until the overall account balance goes below a certain amount," (column 8, lines 57-63).

Moreover, the interpretation given to the recited "suspension of privileges" as being equivalent to 'inhibiting a transaction' as disclosed in Tannenbaum is in error because it would not make sense in the context of Applicant's claim 1. For example, "approving a request to execute the financial transaction…and sending a notice of suspension of privileges," as applied to

Tannenbaum would result in *approving the request* to execute the transaction *followed by inhibiting the transaction*. This interpretation is illogical and cannot be meaningfully applied to the Applicant's claim 1.

Accordingly, Tannenbaum may not be relied upon for teaching or suggesting "*upon determining, via the transaction control system, that a transaction is <u>not acceptable</u>*:

approving a request to execute the financial transaction, via the transaction control system, without interaction from the primary user and issuing a notification to the primary user when the request to execute the financial transaction is approved; *and*

returning to the secondary user a notice of *suspension of the account privileges*."

Ginter fails to the cure the aforementioned deficiencies of Tannenbaum. Thus, claim 1 is patentable over Tannenbaum in view of Ginter. Independent claims 7 and 15 are believed to be patentable over Tannenbaum in view of Ginter for at least the reasons described above with respect to claim 1. Claims 2-6, 8-12, and 16-25 depend from what should be patentable base claims and are, therefore, believed to be patentable over the cited references.

<div align="center">CONCLUSION</div>

In view of the foregoing, it is urged that the final rejection of claims 1-12 and 15-25 be overturned. The final rejection is in error and should be reversed. The fee set forth in 37 CFR 41.20(b)(1) is enclosed herewith. If there are any additional charges with respect to this Request, or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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